

Message Text

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PAGE 01 VIENNA 06778 01 OF 02 271132Z
ACTION IO-14

INFO OCT-01 EUR-12 ISO-00 ACDA-12 CIAE-00 INR-10 L-03
NSAE-00 NSC-05 EB-08 NRC-05 OES-09 SOE-02 DODE-00
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R 271058Z JUL 78
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TO SECSTATE WASHDC 7344
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LIMITED OFFICIAL USE SECTION 01 OF 02 VIENNA 06778

USIAEA

DEPT PASS IO/SCT
DOE FOR AMMONS, IA

E.O. 11652: N/A
TAGS: AORG, EAID, IAEA, PARM
SUBJECT: IAEA TECHNICAL ASSISTANCE GUIDING PRINCIPLES

REFERENCE: VIENNA 6676

1. SUMMARY. ASSISTANT DG FISCHER INVITED BORIGHT AND MYSELF JULY 26 FOR FURTHER DISCUSSION OF NUCLEAR EXPLOSIVES PARAGRAPH OF DRAFT GUIDING PRINCIPLES FOR IAEA TECHNICAL ASSISTANCE. HE SUGGESTED A NUMBER OF ALTERNATIVES FOR DEALING WITH PROSPECTIVE IMPASSE ON THIS PARAGRAPH. END SUMMARY.

2. FISCHER EXPRESSED CONCERN THAT US COMPROMISE LANGUAGE, BY DEFINING PEACEFUL USES OF ATOMIC ENERGY AS EXCLUDING RESEARCH, ETC. ON NUCLEAR EXPLOSIVES "FOR PURPOSES OF THE TECHNICAL ASSISTANCE PROGRAM,"
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PAGE 02 VIENNA 06778 01 OF 02 271132Z

COULD BE INTERPRETED BY SOME AS INDICATING THAT SUCH ACTIVITIES WERE NOT RPT NOT EXCLUDED IN OTHER, MORE IMPORTANT CASES, SUCH AS SUPPLY AND SAFEGUARDS AGREEMENTS. HE THEREFORE HOPED THAT HE WAS RIGHT IN PREDICTING THAT US COMPROMISE LANGUAGE WOULD NOT RPT NOT BE ACCEPTABLE TO ARGENTINA, ET. AL. WE SAID THIS WAS CLEARLY NOT THE INTENT OR MEANING

OF THIS PHRASE, COMING AS IT DOES IN A DOCUMENT ONLY DEALING WITH THE TECHNICAL ASSISTANCE PROGRAM.

3. FISCHER AND LEGAL ADVISOR EDWARDS THEN REVIEWED THEIR EFFORTS TO DRAFT STATEMENT BY DG AND FOOTNOTE TO GUIDING PRINCIPLES TO EFFECT THAT SECRETARIAT HAD ALWAYS INTERPRETED, AND WOULD CONTINUE TO INTERPRET, LANGUAGE OF STATUTE AS PROHIBITING ANY ASSISTANCE RELATING TO NUCLEAR EXPLOSIVES. WE POINTED OUT--AND THEY AGREED--THAT SUCH A STATEMENT OR FOOTNOTE WOULD DOUBTLESS GIVE RISE TO COMMENTS BY SOME BOARD MEMBERS TAKING ISSUE WITH THE SECRETARIAT'S POSITION. THE RESULTING SITUATION MIGHT WELL BE MORE FUZZY--AND THEREFORE WORSE--THAN IT IS AT PRESENT. WE BELIEVE SECRETARIAT MAY WELL DROP THIS IDEA.

4. FISCHER THEN SUGGESTED ANOTHER ALTERNATIVE--DROPPING THE FIRST SENTENCE OF PARAGRAPH 1(I) OF JUNE 5 DRAFT ALTOGETHER (AS WELL AS THE FIRST FOUR WORDS OF THE SECOND SENTENCE) AND RELYING ON PARAGRAPH 1(C)'S STATEMENT THAT "THE TECHNICAL ASSISTANCE ACTIVITIES OF THE AGENCY SHALL BE CARRIED OUT WITH DUE OBSERVANCE OF....THE PROVISIONS OF THE AGENCY'S STATUTE." THIS MIGHT BE DIFFICULT FOR THE US, GIVEN THE HISTORY OF NEGOTIATIONS ON THIS PARAGRAPH. THE JUSTIFICATION WOULD BE THAT PARAGRAPH 1(C) WAS CLEAR, AND ANY FURTHER ELABORATION WAS LIMITED OFFICIAL USE

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PAGE 03 VIENNA 06778 01 OF 02 271132Z

UNNECESSARY. THIS WOULD AVOID A DEBATE WHICH COULD MUDDY THE WATERS (SEE PARAGRAPH 3 ABOVE). IT COULD BE ACCOMPANIED BY A US STATEMENT THAT WE ASSUME ALL TECHNICAL ASSISTANCE AGREEMENTS WOULD CONTINUE TO INCLUDE A PROVISION THAT SUCH ASSISTANCE WAS NOT RPT NOT TO BE USED FOR NUCLEAR EXPLOSIVE PURPOSES. HOWEVER, ANY US STATEMENT WOULD HAVE TO BE VERY CAREFULLY DRAFTED SO AS NOT RPT NOT TO EVOKE COUNTER-STATEMENTS. INDEED, SILENCE MIGHT BE BEST.

5. WE ALSO DISCUSSED THE ALTERNATIVE OF THE BOARD'S APPROVING AT THIS TIME THE OPERATING RULES ONLY, LEAVING THE GUIDING PRINCIPLES UNAGREED. THE SECRETARIAT SAID THIS WOULD BE QUITE ACCEPTABLE TO THEM, THOUGH THEY NOTED THE US COULD BE PORTRAYED AS OBSTRUCTIVE AND RELATIVELY ISOLATED.

6. FINALLY, THE ALTERNATIVE OF LEAVING THE GUIDING PRINCIPLES AND THE OPERATING RULES FOR NOW UNAGREED WAS MENTIONED. THIS WOULD LEAVE THE OLD, OUTDATED GUIDING PRINCIPLES AND OPERATING RULES IN BEING. THE SECRETARIAT WOULD CONTINUE TO LACK SATISFACTORY AUTHORITATIVE GUIDELINES FOR NEGOTIATING AND IMPL-

MENTING TECHNICAL ASSISTANCE AGREEMENTS. THIS WOULD BE INCONVENIENT FOR THE SECRETARIAT, BUT FISCHER DID NOT RPT NOT FEEL IT WOULD FORCE ANY CHANGES IN THE PRESENT ADMINISTRATION OF THE TECHNICAL ASSISTANCE PROGRAM. (A VARIANT WHICH HAS SINCE COME TO MIND WOULD BE FOR THE BOARD TO APPROVE A NEW DOCUMENT ENDORSING A VARIETY OF PROCEDURES DRAWN FROM THE OPERATING RULES, WHILE LEAVING THE GUIDING PRINCIPLES AND OPERATING RULES UNSIGNED.)

7. BORIGHT MADE THE POINT THAT IF EITHER OF THE

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PAGE 01 VIENNA 06778 02 OF 02 271116Z
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LAST ALTERNATIVES ARE CHOSEN, THE US MIGHT WELL DECIDE TO DROP OUR COMPROMISE LANGUAGE (IN VIEW OF PROBLEM MENTIONED BY FISCHER PARAGRAPH 2 ABOVE) AND REVERT IN ANY CONTINUING DISCUSSION TO ADVOCACY OF BRACKETED LANGUAGE IN JUNE 5 DRAFT--"TECHNICAL ASSISTANCE SHOULD NOT BE USED FOR THE MANUFACTURE OF ANY NUCLEAR WEAPONS OR TO FURTHER ANY MILITARY PURPOSE OR FOR THE MANUFACTURE OF ANY OTHER EXPLOSIVE DEVICE."

8. THE MATTER WAS LEFT THAT WE WOULD AWAIT THE REACTION OF ARGENTINES AND OTHERS TO US COMPROMISE LANGUAGE AND WOULD MEANWHILE BE REFLECTING ON THE VARIOUS ALTERNATIVE COURSES WHICH MIGHT BE FOLLOWED.
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